THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 19148 of 1997

Dated: 15.03.2007

Between:

V. Haribabu

... Petitioner

AND

The Regional Manager, APSRTC,
Vikramasimha Region, Nellore.

... Respondent

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 19148 of 1997

ORDER:-

This writ petition is filed for a writ of Mandamus to direct the respondent to consider the petitioner's case for appointment as cleaner in Andhra Pradesh State Road Transport Corporation (for short "the Corporation").

From the averments contained in the affidavit filed in support of the writ petition, it is evident that the petitioner has undergone training in DLTCI in the year 1987 in I.T.I., Gudur and he was awarded provisional National Trade Certificate dated 28.01.1987. The petitioner was admitted as apprentice by the Corporation under Apprentice Act 1987 from 17.10.1989 to 16.10.1990 and that he passed the prescribed test in the trade of motor mechanism. The Industrial Training Institute, Nellore issued provisional National Apprenticeship Certificate dated 28.03.1991 and Staff Training College of the Corporation also issued certificate dated 14.11.1990 certifying that the petitioner underwent training.

The Corporation issued advertisement in the newspapers on 30.05.1997 proposing to recruit cleaners. The qualifications prescribed were a pass in I.T.I. and apprenticeship training in APSRTC Training Institute. The petitioner stated that with regard to

age, the notification prescribed that the candidate shall necessarily be between the age of 18 and 30 years as on 01.07.1997 with a relaxation of 5 years in case of SC, ST and BCs. The petitioner made an application for the post of cleaner in response to the said employment notification.

The grievance of the petitioner is that he was not issued interview card though the interviews were fixed from 18.08.1997. The petitioner further stated in the affidavit that the Corporation is not justified in imposing the condition of maximum age limit as 30 years, having failed to recruit the trained candidates in the recruitment made between 1990 and 1997.

A counter-affidavit is filed by the Law Officer of the Corporation wherein it is stated inter alia that though the petitioner has undergone Apprenticeship Training from 18.10.1989 to 17.10.1990, he was not called for interview as he was over aged by 45 days as on the cut-off date viz., 01.07.1997, his date of birth being 15.05.1967.

When the case is called, there is no representation on behalf of the petitioner. I have heard Sri R. Manmadha Reddy, learned counsel for respondent.

It is not in dispute that the employment notification prescribed the upper age limit as 30 years as on 01.07.1997. It is also not in dispute that the petitioner crossed 30 years by 45 days as on the cut-off date. Unless exemption was given in case of apprentices, which is not the petitioner's case, the petitioner cannot claim any right to be considered when he admittedly does not satisfy the condition relating to the upper age limit. The petitioner, therefore, is not entitled to any relief in this writ petition.

The writ petition is accordingly dismissed. No order as to costs.

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C.V. NAGARJUNA REDDY, J

Date: 15.03.2007
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